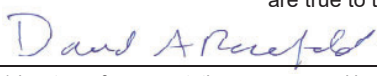


CHARGE ALLEGING UNFAIR LABOR PRACTICE UNDER SECTION 8(e) OF THE NLRA

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
CASE NUMBER 19-CE-324710		DATE FILED 8/28/2023	
1. CHARGE FILED AGAINST			
Employer and Labor Organization		X	Employer Labor Organization
a. Name of Labor Organization (Give full name, including local name and number) International Longshore and Warehouse Union		c. Tel. No. (415) 775-0533	
b. Union Representative to Contact (b) (6), (b) (7)(C)		d. Cell No.	
g. Address (Street and number, city, state, and ZIP code) 1188 Franklin Street San Francisco, CA 94109		e. Fax. No. (415) 775-9783	
		f. e-mail www.ilwu.org	
h. Name of Employer Pacific Maritime Association and its members		i. Tel. No. (415) 576-3200	
m. Employer Representative to Contact (b) (6), (b) (7)(C)		j. Cell No.	
n. Location of Plant Involved (Street, city, state, and ZIP code) 301 West Republican Street Seattle, WA 98119		k. Fax. No. (415) 348-8392	
		l. e-mail	
Type of Establishment (Factory, mine, wholesaler, etc.) Shipping		o. Identify Principal Product or Service Shipping	
		p. Number of Workers Employed 10,000+	
The above-named labor organization or its agents, and/or employer has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(e) of the National Labor Relations Act, and these unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act.			
(2) Basis of the Charge SEE ATTACHMENT A			
3. Full Name of Party Filing Charge (If labor organization, give full name, including local name and number) SEE ATTACHMENT A		b. Tel. No.	
a. Address (Street and number, city, state, and ZIP code) SEE ATTACHMENT A		c. Cell No.	
		d. Fax. No.	
		e. e-mail	
4. Full Name of National or International Labor Organization of Which it is an Affiliate or Constituent Unit (To be filled in when charge is filed by a labor organization) International Association of Machinists and Aerospace Workers, AFL-CIO			
5. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.		Tel. No. (510) 337-1001	
By  David A. Rosenfeld, attorney (signature of representative or person making charge) (Print/type name and title or office, if any)		Cell No.	
Address Weinberg, Roger & Rosenfeld 1375 55th Street Emeryville, CA 94608		Fax No. (510) 337-1023	
Date August 28, 2023		e-mail: nlr notices@unioncounsel.net drosenfeld@unioncounsel.net	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

ATTACHMENT A

International Association of Machinists and Aerospace Workers, District Lodge 160

9135 15th Place South

Seattle, WA 98108

Tel: (206) 762-7990

Fax: (206) 764-0486

(b) (6), (b) (7)(C)

International Association of Machinists and Aerospace Workers, District Lodge 190, Local Lodge 1546

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The employer and union have entered into a contract provision which violates Section 8(e). (b) (7)(A)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
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Mobile App

August 29, 2023

IAM District Lodge 160, affiliated with AFL-CIO
9135 15th Pl S 2nd Floor
Seattle, WA 98108-5191

IAMAW AFL-CIO,
District Lodge 190, Local Lodge 1546
(b) (6), (b) (7)(C)

Re: ILWU and Pacific Maritime Association
(Machinists Dist. Lodges 160 & 190)
Case 19-CE-324710

Dear Sir or Madam:

The charge that you filed in this case on August 28, 2023 has been docketed as case number 19-CE-324710. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner MICHAEL J. SNYDER whose telephone number is (206)220-6283. If the Board agent is not available, you may contact Supervisory Field Examiner SARA C. DUNN whose telephone number is (206)220-6318.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. We seek to resolve labor disputes promptly and, in cases such as the one you filed alleging a violation of Section 8(b)(4)(D) of the Act, **we expect you to provide your affidavit(s) and other evidence within 24 hours of filing the charge.** If you have not yet scheduled a date and time for the Board agent to take your affidavit, please immediately contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case **MUST** be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosures

1. Copy of Charge

cc: David A. Rosenfeld, Attorney
Weinberg, Roger & Rosenfeld
1375 55th Street
Emeryville, CA 94608-2609



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
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Download
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August 29, 2023

(b) (6), (b) (7)(C)

International Longshore & Warehouse Union
1188 Franklin St 4th Fl
San Francisco, CA 94109-6800

(b) (6), (b) (7)(C)

Pacific Maritime Association
301 W Republican St
Seattle, WA 98119-4008

Re: ILWU and Pacific Maritime Association
(Machinists Dist. Lodges 160 & 190)
Case 19-CE-324710

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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* * *

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosure: Copy of Charge

cc: Eleanor I. Morton, Attorney (for ILWU)
Leonard Carder LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109-6852

Todd C. Amidon, Senior Counsel
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**ILWU AND PACIFIC MARITIME
ASSOCIATION (MACHINISTS DIST. LODGES
160 & 190)**

Charged Party

and

**INTERNATIONAL ASSOCIATION OF
MACHINISTS DISTRICT LODGE 160,
AFFILIATED WITH AFL-CIO**

Charging Party

Case 19-CE-324710

AFFIDAVIT OF SERVICE OF CHARGE

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 29, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

International Longshore & Warehouse Union
1188 Franklin St 4th Fl
San Francisco, CA 94109-6800

Eleanor I. Morton, Attorney
Leonard Carder LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109-6852

Craig E. Epperson, Sr. Vice President,
General Counsel & Secretary
Pacific Maritime Association
301 W Republican St
Seattle, WA 98119-4008

Todd C. Amidon, Senior Counsel
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

August 29, 2023

Date

Dennis Snook, Designated Agent of NLRB

Name

/s/ Annie La

Signature